

Serial No.: 10/670,522
Response Dated: March 11, 2005
Reply to Final Office Action of December 29, 2004

REMARKS

Introduction

In accordance with the foregoing, claims 1-24 are pending in this application.

Rejection under 35 USC §103

Claims 1 and 12

Claims 1 and 12 are rejected under 35 USC §103 as being unpatentable over Inagaki et al. (JP 04-140763) in view of Jeong '508 (US Patent No.: 6,785,508). The rejection is respectfully traversed for at least the reasons stated below.

The Examiner cited Jeong '508 as a prior art reference which has been filed in the U.S. on March 14, 2003. However, the instant application was filed in the U.S. on September 26, 2003, with the foreign priority benefit of Korean Patent Application No. 2002-61822 filed on October 10, 2002 under 35 U.S.C. §119, and the foreign priority benefit of the instant application has been acknowledged by the Examiner in the Office Action dated July 2, 2004.

It is respectfully submitted that in accordance with MPEP 2141.01, a 35 U.S.C. 103 rejection is based on 35 U.S.C. 102(a), 102(b), 102(e), etc., and the filing date of a reference applied against an application as prior art can be antedated by applicant's earlier foreign priority application.... if 35 U.S.C. §119 is met (*In re Gosteli*, 872 F.2d 1008, 10 USPQ2d 1614 (Fed. Cir. 1989)). In addition, MPEP 706.02(f)(1) provides in Example 3 that a rejection can be overcome by establishing that the foreign priority date of an application antedates the effective US filing date of the reference applied as prior art.

Therefore, it is respectfully submitted that Jeong '508 does not qualify as prior art under 35 U.S.C. §102(e) and/or 35 U.S.C. §103(a), since the priority date (October 10, 2002) of this application antedates the effective U.S. filing date (March 14, 2003) of Jeong '508.

It is also respectfully submitted that Jeong '058 also does not qualify as prior art under 35 U.S.C. §103(c) since both Jeong '508 and the instant application were, at the time the

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invention of the instant application was made, owned by the same Assignee, Samsung Electronics. Co., Ltd.

Attached hereto are a statement of ownership of both Jeong '508 and the instant application, a copy of a record showing the assignment of Jeong '508 to the same assignee, and a copy of an Assignment Recodation Form of this application.

Furthermore, Inagaki et al. (JP 04-140763) fails to show a third paper feeding path disposed along an outer circumference of a main feeder as presented in claims 1 and 12, which has been also indicated by the Examiner in the third paragraph of page 2 of this Office Action.

Since Jeong '508 does not qualify as prior art, and Inagaki et al. (JP 04-140763) fails to show a third paper feeding path disposed along an outer circumference of a main feeder as cited, it is respectfully submitted that claims 1 and 12 are patentably distinguishable from Inagaki et al. (JP 04-140763) as well as Jeong '508, and are deemed to be allowable.

In view of the above points provided by the Applicant, withdrawal of the rejection of claims 1 and 12 is respectfully requested, and allowance of these claims is earnestly solicited.

Claims 8-10, 14 and 20-24

Claims 8-10, 14 and 20-24 are rejected under 35 USC §103 as being unpatentable over Inagaki et al. in view of Jeong '508 as applied to claim 1 above, further in view of Takahasi (U.S. Patent 5,839,014). The rejection is respectfully traversed for at least the reason stated below.

Since Jeong '508 does not qualify as the prior art reference as presented regarding claims 1 and 12, and Inagaki et al. (JP 04-140763) and Takahasi (U.S. Patent 5,839,014) fail to show the Applicant's cassette conveyance path and third paper feeding path, respectively, claims 8-10, 14 and 20-24 are deemed to be allowable due to at least their dependency to allowable claim 1.

In view of the above points provided by the Applicant, withdrawal of the rejection of claims 8-10, 14 and 20-24 is respectfully requested, and allowance of these claims is earnestly solicited.

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Claim 19

Claim 19 is rejected under 35 USC §103 as being unpatentable over Inagaki et al. in view of Jeong 508 and Takahasi as applied to claim 14 above, and further in view of Hashimoto et al. (U.S. Patent No.: 6,445,903). The rejection is respectfully traversed for at least the reason stated below.

As discussed above, Jeong '508 does not qualify as the prior art reference. In addition, Inagaki et al. (JP 04-140763), Takahasi (U.S. Patent 5,839,014), and Hashimoto et al. (U.S. Patent No.: 6,445,903) fail to show the Applicant's cassette conveyance path and third paper feeding path, respectively. Therefore, claims 8-10, 14 and 20-24 are deemed to be allowable due to at least their dependency to allowable claim.

In view of the above points provided by the Applicant, withdrawal of the rejection of claim 19 is respectfully requested, and allowance of these claims is earnestly solicited.

Allowed Claim

Claim 13 has been allowed.

Claims 2-6, 11, and 15-18 have been objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent claim form including all of the limitations of the base claim and any intervening claims. It is respectfully submitted that claims 2-6, 11 and 15-18 remain unamended since their independent claims are deemed to be allowable due to at least the disqualification of Jeong '508 as the prior art reference, as set forth above.

Response to Reasons for Allowance

The examiner provides a Statement of Reasons for Allowance in a sixth paragraph of page 5 and a first paragraph of page 6 of this Office Action, regarding claims 2-6, 13, 15-18 and also claim 11.

As specified in MPEP 1302.14, "care must be taken to ensure that such reasons are accurate, precise, and do not place unwarranted interpretations, whether broad or narrow, upon

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the claims.” It is respectfully submitted that the Examiner’s Statement does not meet these standards and instead, raises “possible misinterpretations.. and possible estoppel effects” (MPEP 1302.04) and accordingly, should be disregarded.

In the Statement on pages 5 and 6 of the Office Action, the Examiner has commented that regarding claims 2-6, 13, and 15-18, the prior art does not teach or render obvious a connecting conveyance path formed between the main conveyance path and the outer circumference of the main feed roller to guide the printing paper, which is conveyed from the first, second, and third paper feeding paths along the outer circumference of the main feed roller, to the conveyance path, and regarding claim 11, the prior art does not teach or render obvious first and second sub paths having a first exit part disposed on a first portion of the outer circumference of the main feed roller to guide the printing paper fed from a first and second paper feeding cassettes to the first portion of the outer circumference of the main feed roller and a third paper feeding path comprising a return conveyance path having the third exit part disposed on a third portion of the outer circumference of the main feed roller to guide the printing paper fed from a manual paper feeding tray to the third portion of the outer circumference of the main feed roller to provide double-sided printing.

It is respectfully submitted that the Examiner’s comment would appear to limit the claims to the connecting conveyance path, the first, second, and third paper paths, the first and second sub paper paths, the return conveyance path, and the first, second, and third exit parts, respectively. While being useful in understanding the invention as claimed, the Examiner’s comment could lead to an unwarranted narrow interpretation of the claims.

It further is respectfully submitted that the claims noted above are not constrained by such limitations and that the claims speak for themselves as to what feature are included therein and are their own best evidence as to the reasons for allowance of same.

Conclusion

In view of foregoing arguments and remarks, all claims are deemed to be allowable and this application is believed to be in condition to be passed to issue.

Should any questions remain unresolved, the Examiner is respectfully requested to

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telephone Applicant's attorney.

Respectfully submitted,

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